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Senate Bill _____
By _____

House No. HB1022
By Rhinehart

AN ACT to amend Tennessee Code Annotated, Sections 8-34-101, 8-34-603(a)(3), 8-35-105, 8-36-101, 8-36-108, 8-36-109, 8-36-201, 8-36-204, 8-36-206, 8-36-301, 8-36-304, 8-36-305(a), 8-36-306(a), 8-36-501, 8-36-502, 8-37-202 and Title 8, Chapter 34, Part 7 relative to retirement benefits for public safety officers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-34-101, is amended by adding a new subdivision as follows:

()"Public safety officer" means any state police officer or wildlife officer. Public safety officer also means any police officer, firefighter, deputy sheriff or sheriff employed with a participating political subdivision whose chief legislative body passes a resolution authorizing the provisions of this act for such employees and accepting the liability therefor.

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 34, Part 7, is amended by adding the following new section:

8-34-7___. Notwithstanding any provision of the law to the contrary, any Group 1 public safety officer, as defined in Section 1 of this act, shall become a Group 5 member of the retirement system on July 1, 1995 and shall have all service previously

established as a public safety officer and military service previously established under § 8-34-605, transferred from Group 1 to Group 5 of the retirement system.

SECTION 3. Tennessee Code Annotated, Section 8-34-603(a)(3)(A), is amended by adding the following new subitem:

(vi) Any member establishing service in Group 5 on or after July 1, 1995, which was rendered in a capacity covered under Group 5, shall receive credit in Group 5.

SECTION 4. Tennessee Code Annotated, Section 8-34-603(a)(3)(B), is amended by deleting the figures "(v)" and by substituting instead the figures "(vi)".

SECTION 5. Tennessee Code Annotated, Section 8-35-105(a), is amended by adding the following new subdivision:

(5) Group 5. Public safety officers entering service after July 1, 1995, and transferring membership under chapter 34, part 7.

SECTION 6. Tennessee Code Annotated, Section 8-35-105(c), is amended by deleting it in its entirety and by substituting instead the following:

(c) Notwithstanding any provision of the law to the contrary, any person, except a state judge and a public safety officer, becoming a member of the retirement system after June 30, 1976 shall be classified as a Group I member. A state judge becoming a member of the retirement system after September 1, 1990 shall be classified as a Group 4 member. A public safety officer becoming a member of the retirement system after July 1, 1995 and a public safety officer transferring membership under Section 2 of this act shall be classified as a Group 5 member.

SECTION 7. Tennessee Code Annotated, Section 8-36-101, is amended by designating subsection (a) as subdivision (a)(1), by designating subsection (b) as subdivision (a)(2) and by adding the following as a new subsection (b):

(b)(1) Any service or early service retirement allowance payable to a Group 5 member pursuant to parts 2 or 3 of this chapter shall be increased by an amount equal

to seventy-five (75%) of what the member will receive in monthly social security benefits based exclusively upon service rendered in a position covered by the retirement system. Such increase shall be made without regard to the election of any optional modification, and shall be discontinued on the date the member qualifies for social security benefits.

(2) The amount of any base benefit improvement increase authorized pursuant to § 8-36-124(a)(3) and any adjustment authorized under part 7 of this chapter 36 shall be applied to the retirement allowance which would have been payable without regard to the provisions of this subsection.

(3) The provisions of §§ 8-36-102 and 8-36-208(a) shall not be construed to prevent the increase authorized pursuant to this subsection.

(4) If a Group 5 member who is retired under an optional retirement plan dies prior to attaining age fifty-five (55), the increase provided herein shall continue to the beneficiary under the option until the date on which the member would have been eligible for social security benefits.

SECTION 8. Tennessee Code Annotated, Section 8-36-108(b)(1)(A), is amended by deleting the figures "3 or 4" and by substituting instead "3, 4 or 5".

SECTION 9 Tennessee Code Annotated, Section 8-36-109(a), is amended by deleting the figures "3 or 4" and by substituting instead "3, 4 or 5".

SECTION 10. Tennessee Code Annotated, Section 8-36-201, is amended by adding the following as a new subsection (e) and by redesignating the existing subsections accordingly:

(e) Group 5. Any member in Group 5 shall be eligible for service retirement upon attainment of fifty-five (55) years of age and completion of five (5) years of creditable service, or at any age upon completion of thirty (30) years of creditable service.

SECTION 11. Tennessee Code Annotated, Section 8-36-204(b)(1), is amended by deleting it in its entirety and by substituting instead the following:

(b)(l) In addition to all requirements for service or early service retirement, any employee, except a Group 4 state judge and a Group 5 public safety officer, becoming a member of the retirement system on or after July 1, 1979, must have a total of ten (10) years of creditable service to qualify for retirement benefits. A Group 4 state judge must have eight (8) years of creditable service to qualify for retirement benefits and a Group 5 public safety officer must have five (5) years of creditable service to qualify for retirement benefits.

SECTION 12. Tennessee Code Annotated, Section 8-36-206(1)(A), is amended by inserting immediately after the word and figure "Group 1" the words and figure "or in Group 5".

SECTION 13. Tennessee Code Annotated, Section 8-36-206(2)(A), is amended by inserting immediately after the word and figure "Group 1" the words and figure "or in Group 5".

SECTION 14. Tennessee Code Annotated, Section 8-36-301(a), is amended by inserting immediately after the word and figure "Group 1" in the first line thereof the words and figure "or in Group 5", by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) Attainment of fifty-five (55) years of age with four (4) years of creditable service if the member became a member before July 1, 1979, or with five (5) years of creditable service if such member became a member after July 1, 1979; or

SECTION 15. Tennessee Code Annotated, Section 8-36-304(1), is amended by inserting immediately after the word and figure "Group 1" wherever they may appear the words and figure "or in Group 5".

SECTION 16. Tennessee Code Annotated, Section 8-36-305(a), is amended by deleting the word and figure "or 3" and by substituting instead, "3 or 5".

SECTION 17. Tennessee Code Annotated, Section 8-36-306(a), is amended by inserting immediately after the word and figure "Group 1" the words and figure "or in Group 5".

SECTION 18. Tennessee Code Annotated, Section 8-36-501(c)(1), is amended by deleting the word and figure "or 2" and by substituting instead ", 2 or 5".

SECTION 19. Tennessee Code Annotated, Section 8-36-501(d)(2), is amended by inserting immediately after the word "members" and immediately before the word "joining" in the second sentence thereof the punctuation, words, and figure", except Group 5 members,".

SECTION 20. Tennessee Code Annotated, Section 8-36-502, is amended by deleting the word and figure "or 2" wherever they may appear and by substituting instead ", 2 or 5".

SECTION 21. Tennessee Code Annotated, Section 8-37-202(a)(1)(A), is amended by inserting immediately after the word and figure "Group 1" the words and figure "or in Group 5".

SECTION 22. Tennessee Code Annotated, Section 8-37-202(a)(3)(A), is amended by inserting immediately after the word and figure "Group 1" the words and figure "or Group 5".

SECTION 23. Tennessee Code Annotated, Section 8-37-202(a)(4)(A), is amended by inserting immediately after the word and figure "Group 1" the words and figure "or in Group 5".

SECTION 24. Tennessee Code Annotated, Section 8-37-202(b)(1), is amended by inserting immediately after the word "member" and immediately before the word "or" the punctuation, words and figure", a Group 5 member".

SECTION 25. If any provision of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act are declared to be invalid and void.

SECTION 26. Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

SECTION 27. This act shall take effect on July 1, 1995, the public welfare requiring it.